

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 07-445 (PAM/JJG)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	PLEA AGREEMENT AND
)	SENTENCING STIPULATIONS
ADRIAN PRESTON CAMPBELL,)	
)	
Defendant.)	

The United States, by its attorneys, Frank J. Magill, United States Attorney for the District of Minnesota, and Richard Newberry, Assistant United States Attorney, and the defendant, Adrian Preston Campbell, and his attorney, Manvir K. Atwal, Assistant Federal Defender, Minneapolis, MN hereby agree to dispose of this case on the following terms and conditions:

FACTUAL BASIS

1. The government and the defendant, Adrian Preston Campbell, agree that on or about July 14, 2006, defendant did knowingly and unlawfully possess child pornography (as defined in 18 U.S.C. 2256) that he obtained on the internet by use of a computer. Law enforcement executed a search warrant at defendant's apartment in Minneapolis, MN and recovered his computer. There were more than 600 images of which some involved a prepubescent minor and a sadistic or masochistic display.

PLEA AGREEMENT

2. The defendant will plead guilty to count 2 of the indictment charging possession of child pornography and forfeit his computer equipment. That charge carries a maximum possible statutory penalty of:

- A. a maximum of ten (10) years imprisonment;
- B. a fine of up to \$250,000.00;
- C. a supervised release term of up to life;
- D. a mandatory special assessment of \$100; and
- E. the assessment to the defendant of the costs of prosecution, imprisonment, and supervision.

The defendant understands that, if he were to violate any condition of supervised release, he could be sentenced to an additional term of imprisonment up to the length of the original supervised

3. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if the defendant continues to accept responsibility for his actions, within the meaning of Guideline 3E1.1, a two-level reduction in the offense level is appropriate. Defendant has provided timely complete information concerning his own involvement in the offense, notified the Government timely of his intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and

permitting the court to allocate its resources efficiently, within the meaning of Guideline 3E1.1(b); an additional one-point reduction in the offense level is therefore appropriate, provided the court determines the offense level to be 16 or greater prior to the operation of Guideline 3E1.1(a). Other than as stated herein, there is no agreement as to the term of imprisonment the Court may impose. There is no agreement as to: fine, costs, supervised release, or denial of federal benefits.

GUIDELINE FACTORS

4. The defendant understands that he will be sentenced in accordance with the advisory Sentencing Guidelines under the Sentencing Reform Act of 1984. The proper application of those advisory Guidelines is a matter solely within the discretion of the Court. However, the parties have agreed upon the following position of the parties with respect to sentencing factors. The parties' views as to the sentencing factors are not binding upon the Court. If the Court determines the factors to be different from those set forth below, the defendant shall not be entitled to withdraw from the plea agreement. These positions are binding on the parties.

5. Base Offense Level. The base offense level is Level 18. Guideline Section 2G2.2(a)(1).

6. Specific Offense Characteristics. The parties agree that:

- a. the offense involved a prepubescent minor who had not attained the age of 12 years, thus a 2 level increase applies; 2G2.2(b) (2);
- b. the offense involved material that portrays sadistic or masochistic conduct, thus a 4 level increase applies; 2G2.2(b) (4);
- c. the offense involved use of a computer for possession and distribution of material, thus, a 2 level increase applies; 2G2.2(b) (6);
- d. the offense involved more than 600 images, thus a 5 level increase applies; 2G2.2(b) (7) (D);
- e. agreed upon total specific offense characteristics: $2+4+2+5=13$

7. Adjustments. The parties agree that no Chapter Three adjustments are applicable other than acceptance of responsibility.

8. Acceptance of Responsibility. The government will recommend a three (3) level reduction for acceptance of responsibility under the conditions set forth above. Guideline Section 3E1.1.

9. Criminal History Category. The parties believe the defendant's criminal history category is category I. If the defendant's criminal history category as finally computed is greater than category I, the defendant may not withdraw his plea of guilty based upon that ground and agrees to be sentenced in accordance with the applicable Sentencing Guidelines.

10. Guideline Range. Depending on the Court's determination of guideline factors, the parties believe the following guideline ranges are possible:

- A. Level 31/Category I = 108 to 135 months imprisonment without parole (computation with no reductions) (18+13=31)
- B. Level 28/Category I = 78 to 97 months imprisonment without parole (computation with a 3 level reduction for acceptance of responsibility) (18+13-3=28)

11. Fine Range. The fine range could vary from \$150,000 (level 31) to \$12,500 (level 28).

12. Appellate Waiver. Defendant understands that by pleading guilty he is waiving all the rights would have had at trial. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights. Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial. The defendant is also aware that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed. Acknowledging all of this, the defendant knowingly waives the right to appeal any sentence within the applicable guideline range for offense level 28 or less (or the manner in which that sentence was determined) on the grounds set forth in Section 3742 or on any ground whatever, in exchange for the concessions made by the United States in this Plea Agreement.

13. Departure/Variance. The parties do not agree whether there is a basis for departure or variance this case.

14. Forfeiture. Defendant agrees to forfeit all interest in the property seized by law enforcement on July 14, 2006. The government also reserves its right to proceed against any of the defendant's other assets if said assets represent real or personal property involved in violations of United States law, or are proceeds traceable to such property.

The foregoing accurately sets forth the full extent of the plea agreement and the sentencing stipulations in the above-captioned case.

Dated: 01.31.08

FRANK J. MAGILL
United States Attorney

BY: RICHARD NEWBERRY
Assistant U.S. Attorney
Attorney ID Number 164756

Dated:

ADRIAN PRESTON CAMPBELL
Defendant

Dated:

MANVIR K. ATWAL, Esq.
Attorney for Defendant
Attorney ID Number 0282029